

REMARKS

Any fee that may be due in connection with this application may be charged to Deposit Account No. 50-1213. If a Petition for extension of time is needed, this paper is to be considered such Petition.

Claims 1-5 and 17-30 are currently pending. Claims 1-5 and 17-30 have been deemed allowable. Claims 9-16 have been previously withdrawn from consideration. Claims 6-8 are cancelled herein without prejudice or disclaimer in the interest of advancing this application to allowance. Applicant reserves the right to file divisional applications to any withdrawn or cancelled subject matter.

THE REJECTION OF CLAIMS 6-8 UNDER 35 U.S.C. §102(b)

CLAIMS 6-8

Claims 6-8 are rejected under 35 U.S.C §102(b) as allegedly being anticipated by Sawruk (U.S. Patent 5,478,579). It is alleged that Sawruk teaches the use of the claimed compound myricetin in a pharmaceutical formulation for the treatment of osteoporosis and that reference '579 makes clear the claimed composition is old and well-known. It is further alleged that the use of an old composition for a new purpose does not create a patentably distinct composition.

Applicant maintains that, based on previous court decisions, as the composition of the instant Claim 6 comprises a drug product including a label stating that the compound is for treating amyloidosis and Sawruk does not disclose a drug product for the treatment of amyloidosis containing a container labeled or accompanied by a label stating that the drug product is for the treatment of amyloidosis, Sawruk does not disclose the composition of the instant Claims 6-8, and thus Sawruk does not anticipate instant Claims 6-8.


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AMENDMENT AFTER FINAL

Applicant respectfully traverses the rejection of claims 6-8 under 35 U.S.C §102(b). Claims 6-8 are cancelled herein in the interest of advancing this application to allowance.

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In view of the above remarks and the amendments and remarks of record, consideration and allowance of the application are respectfully requested.

Respectfully submitted,
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